

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00045-01

MICHAEL RICHARD

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 21, 2016, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Michael Richard, appeared in person and by his counsel, Rachel E. Zimarowski, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a three-year term of supervised release in this action on February 26, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on December 31, 2015.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by his admission to the probation officer on March 10, 2016, that he had used morphine without a prescription on or about March 4, 2016; (2) the defendant failed to report to the probation officer as directed on March 16, 2016; and (3) the defendant failed to abide by the special condition that he participate fully in the nine to twelve month program at Four Seasons Recovery Center inasmuch as he entered the facility on March 4, 2016, and on March 9, 2016, left without permission and never returned; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

imposed upon the defendant in this action be, and it hereby is, revoked.

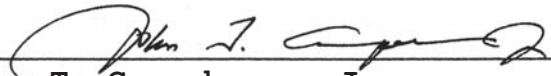
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he participate in a residential drug treatment program with the same general components as the Four Seasons program for a minimum period of five months, and preferably for as long as nine to twelve months.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to the satellite camp at FCI Beckley.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 2, 2016



John T. Copenhaver, Jr.
United States District Judge